

**2005 DRAFTING REQUEST**

**Bill**

Received: **09/30/2004**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Jablonsky**

This file may be shown to any legislator: **NO**

Drafter: **dkennedy**

May Contact: **DHFS**

Addl. Drafters:

Subject: **Mental Health - protect place**

Extra Copies:

Submit via email: **NO**

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**Pre Topic:**

DOA:.....Jablonsky, BB0024 -

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**Topic:**

State DD centers utilization review chargeback

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	dkennedy 10/01/2004	jdyer 10/12/2004		_____ _____			S&L
/1			rschluet 10/12/2004	_____ _____	sbasford 10/12/2004		

FE Sent For:

<END>

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1?	dkennedy	10/11/04 jld					

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DAK

BBQY  
-0345

## 2003-05 Budget Bill Statutory Language Drafting Request

- Topic: Centers Charge
- Tracking Code: (Assigned by Government Operations Team)
- SBO team: HRT
- SBO analyst: Susan Jablonsky
  - Phone: 7-9546
  - Email: sue.jablonsky@doa.state.wi.us
- Agency acronym: DHFS
- Agency number: 435

## State Centers Utilization Review Chargeback

### Current Language

Section 51.437(4rm)(c)2.b. directs the Department to:

... bill the county department of developmental disabilities services for services provided on or after December 31, 1997, at \$48 per day, if an independent professional review established under 42 USC 1396a(a)(31) designates the person served as appropriate for community care, including persons who have been admitted for more than 180 consecutive days and for whom the cost of care would be less than \$184 per day.

### Proposed Change

Amend s. 51.437(4rm)(c)2.b. to read:

... bill the county department of developmental disabilities services for services provided on or after December 31, 1997, at \$48 per day, if an independent professional review established under 42 USC 1396a(a)(31) designates the person served as appropriate for community care, including persons who have been admitted for more than 180 consecutive days and for whom the cost of care would be ~~less than \$184 per day~~ equal to or less than the daily rate budgeted each biennium for services under 46.275.

### Effect of the Change

The change would remove an archaic reference to the CIP 1A daily rate from prior fiscal years and clarify that DHFS will bill a county for every resident who can be cared for in the community at the current CIP 1A rate.

### Rationale for the Change

Federal Medicaid statutes require a written plan of care for every individual prior to his or her entry into an ICF-MR and a "regular program of independent review (including medical evaluation) which shall periodically review his need for such services."

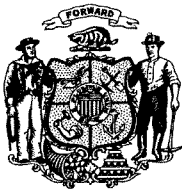
Section 51.437(4rm)(c)2.b. requires DHFS to bill counties who have residents in the state centers whose independent review indicates the resident could be cared for in the community.

The paragraph refers to the CIP 1A rate in effect from FY 98 through FY 00 (\$184 per day), which is lower than the current rate of \$325 per day. The paragraph is read to require DHFS to bill counties for all residents who are ready for community placement, not only individuals whose care costs are less than \$184 per day. However, the reference to the CIP 1A rate from prior years is confusing. This change would replace that archaic reference with a reference to the current CIP 1A rate.

Prior to the enactment of the 1997-1999 biennial budget, counties were required to pay 10% of the cost of care of state center residents who met the above standard. In that budget, the Governor proposed to charge counties \$184 per day, the CIP 1A rate at the time. The Legislature instead set the assessment at \$48 per day, which represented the non federal share of the difference between the average state center rate and the CIP 1A rate.

The non federal share of the difference between the average state center rate for FY 05 and the current CIP 1A rate is \$78.32 per day.

<b>Desired Effective Date:</b>	Upon passage
<b>Agency:</b>	DHFS
<b>Agency Contact:</b>	Andy Forsaith
<b>Phone:</b>	266-7684



SOON - 2nd edit 10/11  
State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-03457

DAK:.....  
jld

DOA:.....Jablonsky, BB0024 - State DD centers utilization review  
chargeback

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

do not gen

- 1 AN ACT ...; relating to: charging counties for services to residents of state centers  
2 for the developmentally disabled who are determined appropriate for  
3 community care.✓

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*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**✓

**MEDICAL ASSISTANCE**✓

- \* Under current law, ~~the Department of Health and Family Services~~ DHFS must bill a county department of developmental disabilities services for services that a center for the developmentally disabled provides to a resident of that county. For a center resident who is eligible for benefits under the Medical Assistance (MA) Program, federal Medicaid Program law requires that an independent professional review periodically determine if his or her condition is, instead, appropriate for community care. For persons whose care is determined to be appropriate in the community but who continue to receive services in the state centers for the developmentally disabled, including persons for whom the cost of community care would be less than \$184 per day, DHFS must bill a county department of developmentally disabled services at \$48 per day. (The \$184 per day amount is the rate paid to counties before July 1, 2000, for services provided under the federal Medicaid waiver Community Integration Program to relocate persons from the state

centers for the developmentally disabled, also known as "CIP 1A" <sup>move</sup> the current rate \* is \$325 per day.)

This bill changes the reference to the obsolete CIP 1A rate of \$184 <sup>✓</sup> per day in describing MA recipients who are residents in state centers for the developmentally disabled but whose conditions are appropriate for community care. The reference under the bill is to the current rate paid for services <sup>under</sup> CIP 1A.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1        **SECTION 1.** 51.437 (4rm) (c) 2. b. <sup>✓</sup> of the statutes is amended to read:

2        51.437 (4rm) (c) 2. b. Bill the county department of developmental disabilities  
3        services for services provided on or after December 31, 1997, at \$48 per day, if an  
4        independent professional review established under 42 USC 1396a (a) (31) designates  
5        the person served as appropriate for community care, including persons who have  
6        been admitted for more than 180 consecutive days and for whom the cost of care in  
7        the community would be equal to or less than <sup>✓</sup> ~~\$184 per day~~ the daily rate for services  
8        under s. 46.275. <sup>✓</sup> The department of health and family services shall use money it  
9        receives from the county department of developmental disabilities services to offset  
10       the state's share of medical assistance. Payment is due from the county department  
11       of developmental disabilities services within 60 days of the billing date, subject to  
12       provisions of the contract. If the department of health and family services does not  
13       receive any payment within 60 days, it shall deduct all or part of the amount due from  
14       any payment the department of health and family services is required to make to the  
15       county department of developmental disabilities services. The department of health  
16       and family services shall first use collections received under s. 46.10 as a result of  
17       care at a center for the developmentally disabled to reduce the costs paid by medical  
18       assistance, and shall remit the remainder to the county department of

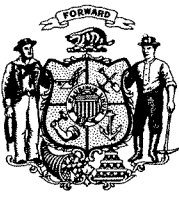


1 developmental disabilities services up to the portion billed. The department of  
2 health and family services shall use the appropriation under s. 20.435 (2) (gk) to  
3 remit collection credits and other appropriate refunds to county departments of  
4 developmental disabilities services.

**History:** 1971 c. 307, 322; 1973 c. 90, 333; 1975 c. 39, 199, 430; 1977 c. 26 ss. 39, 75; 1977 c. 29; 1977 c. 354 s. 101; 1977 c. 418; 1977 c. 428 s. 85, 86, 115; 1979 c. 32, 117, 221, 330, 355; 1981 c. 20, 93, 329; 1983 a. 27, 365, 375, 524; 1985 a. 29 ss. 1094 to 1105m, 3200 (56) (a); 1985 a. 120, 176, 307, 332; 1987 a. 27; 1989 a. 31, 56, 107, 262; 1991 a. 39, 274, 315; 1993 a. 16, 83; 1995 a. 27 ss. 3266m, 9116 (5), 9126 (19), 9145 (1); 1995 a. 64, 77, 92, 201, 225, 352, 417; 1997 a. 27, 35, 164, 252; 1999 a. 9; 2001 a. 16, 59; 2003 a. 33.

5

(END)



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-0345/1

DAK:jld:rs

DOA:.....Jablonsky, BB0024 - State DD centers utilization review  
chargeback

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

- 1     **AN ACT** ...; **relating to:** charging counties for services to residents of state centers  
2             for the developmentally disabled who are determined appropriate for  
3             community care.

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*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**MEDICAL ASSISTANCE**

Under current law, DHFS must bill a county department of developmental disabilities services for services that a center for the developmentally disabled provides to a resident of that county. For a center resident who is eligible for benefits under the Medical Assistance (MA) program, federal Medicaid Program law requires that an independent professional review periodically determine if his or her condition is, instead, appropriate for community care. For persons whose care is determined to be appropriate in the community but who continue to receive services in the state centers for the developmentally disabled, including persons for whom the cost of community care would be less than \$184 per day, DHFS must bill a county department of developmentally disabled services at \$48 per day. (The \$184 per day amount is the rate paid to counties before July 1, 2000, for services provided under the federal Medicaid waiver Community Integration Program to relocate persons from the state centers for the developmentally disabled, also known as "CIP 1A"; the current rate is \$325 per day.)

This bill changes the reference to the obsolete CIP 1A rate of \$184 per day in describing MA recipients who are residents in state centers for the developmentally disabled but whose conditions are appropriate for community care. The reference under the bill is to the current rate paid for services under CIP 1A.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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3 developmental disabilities services.

4 (END)